

Attorney for Debtor
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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

IN RE: Daniel L. Archer, Jr., Debtor
Carl M. Bates, Trustee

Case#: 16-31783
Chapter 13

MOTION TO AUTHORIZE
CONFIRMATION OF CHAPTER 13 PLAN

Comes Now, Debtor, Daniel L. Archer, Jr., by Counsel, Pia J. North, Esq. pursuant to 11 U.S.C. §1325(a)(8) and LBR 3015-2(H)(3)(d) and moves this Court for an Order to Confirm the Debtor's Plan dated April 24, 2016. In support of this Motion, the Debtor states the following:

1. The Debtor filed for relief under Chapter 13 on April 10, 2016. Carl M. Bates was appointed as the Chapter 13 Trustee.
2. The Debtor filed plan dated April 24, 2016 on April 24, 2016. The Confirmation hearing on the Plan was set for June 22, 2016.
3. When the Debtor filed the Certification Requesting Confirmation he did not believe that he had a current child support obligation for Case# 2855681. That support obligation had been terminated approximately four years ago. Unbeknownst to the Debtor, at some point in time after the support obligation was terminated, the child's custodian received state benefits for the care and maintenance of the child which caused the support order to be reinstated.
4. The Commonwealth of Virginia Department of Social Services by their counsel Elizabeth L. Gunn filed an Objection to Confirmation on June 14, 2016, stating that the Debtor had accumulated a post-petition arrearage of \$522 for support obligations that became due in May and June 2016.
5. Upon being advised of the existence of the post-petition arrearage, counsel for the Debtor withdrew the Certification Requesting Confirmation of Plan on June 16, 2016.
6. Counsel for the Debtor unsuccessfully attempted to contact the Debtor to advise him of the existence of the post-petition arrearage. Counsel for the Debtor was still unable to contact the Debtor at the continued hearing on the Objection to Confirmation scheduled for July 6, 2016.

7. The Court entered an Order Denying Confirmation of Plan and Directing Clerk to Dismiss Case *if conditions of LBR 3015-2 are not met* relating to the plan filed by Daniel Archer on April 24, 2016.
8. The Debtor first became aware that the obligation arising out of Case# 2855681 had been reinstated upon notification of the Order Denying Confirmation. The Debtor resolved the post-petition arrearage by making a payment of \$783 to the Commonwealth of Virginia on July 26, 2016. The Debtor provided proof of the payment by sending a DCSE Confirmation# 20226877 to counsel after business hours on July 26, 2016. The payment of the arrears on the twenty-first day after entry of the Order satisfied the conditions of 3015-2 as they relate to 11 U.S.C. §1325(a)(8). 11 U.S.C. §1325(a)(8): “the debtor has paid all amounts that are required to be paid under a domestic support obligation that first became payable after the date of the filing of the petition...”
9. Debtor’s counsel filed an accurate Certificate Requesting Confirmation on July 27, 2016. Debtor’s counsel provided the Commonwealth of Virginia’s counsel with confirmation.
10. Counsel for the Debtor requested that counsel for the Commonwealth of Virginia withdraw the Objection to Confirmation as the conditions of LBR 3015-2 have been met. Counsel for the Department of Social Services advised that she will not withdraw the Objection because she cannot confirm that the payment of \$783 was credited to Case# 2855681. Counsel advised that it should take approximately one week to verify that the July 26, 2016 payment was made.
11. The only Objection to Confirmation to the Debtor’s plan dated April 24, 2016 arose out of the post-petition DCSE arrearage. As the conditions of 11 U.S.C. §1325 have now been met, the Debtor’s first plan is confirmable.
12. Counsel for the Debtor suggests that the appropriate remedy to resolve this impasse is to allow Counsel for the Commonwealth of Virginia to have an opportunity to confirm that the post-petition arrearage had been paid and allow the Court to enter an Order confirming the April 24, 2016 plan. This resolution incorporates the goals of judicial economy and certainty to allow for the expeditious confirmation of the Debtor’s first plan without the additional delay associated with requiring the Debtor to file the exact same plan that was previously filed.

WHEREFORE the Debtor requests that the Court confirm the plan dated April 24, 2016
Further the Debtor requests such other relief as the Court deems just and proper.

Respectfully submitted:
Daniel L. Archer, Jr.

By: /s/ Pia J. North
Counsel

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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

IN RE: Daniel L. Archer, Jr., Debtor
Carl M. Bates, Trustee

Case No. : 16-31783
Chapter 13

Pia J. North, attorney for Daniel L. Archer, Jr. has filed a Motion to Authorize Confirmation of the Chapter 13 Plan with the court.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then on or before 14 days from July 29, 2016, you or your attorney must:

- X** File with the court, at the address shown below, a written request for a hearing [or a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for hearing (or response) to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

Clerk of Court
United States Bankruptcy Court 701
E. Broad Street, Suite 4000
Richmond, VA 23219-3515

You must also mail a copy to:

Attorney for Debtor
Pia J. North, Esq. #29672
North Law
5913 Harbour Park Drive
Midlothian, VA 23112

Chapter 13 Trustee
Carl M. Bates
P.O. Box 1819
Richmond, VA 23218-1819

- X** Attend the hearing on the motion scheduled to be held on August 17, 2016 at 10:00 A.M. at United Bankruptcy Court, 701 E. Broad Street, Suite 5100, Richmond, VA 23219-3515.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Respectfully submitted:
Daniel L. Archer, Jr.

By: /s/ Pia J. North
Counsel

Certificate of Service

I hereby certify that I have on July 29, 2016, transmitted a true copy of the foregoing Notice and Motion to Authorize Confirmation of the Chapter 13 Plan. electronically through the Court's CM/ECF; Chapter 13 trustee, United States trustee and Elizabeth Gunn, Counsel for Department of Social Services, Division of Child Support Enforcement and the Debtor by first class mail, postage pre-paid.

By: /s/ Pia J. North
Counsel

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**United States Bankruptcy Court
Eastern District of Virginia
Richmond Division**

IN RE: Daniel L. Archer, Jr., Debtor
Carl M. Bates, Trustee

Case No. : 16-31783
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NOTICE

PLEASE TAKE NOTICE that on August 17, 2016 at 10:00 A.M. or as soon thereafter as is practical, we will appear before the Honorable Keith L. Phillips. in Room 5100 of the United States Bankruptcy Court, Eastern District of Virginia, Richmond Division located at 701 East Broad Street, Richmond, Virginia on the Debtor's Motion to Authorize Confirmation of the Chapter 13 Plan.

Daniel L. Archer, Jr.

BY: /s/ Pia J. North
Counsel

CERTIFICATE

I hereby certify that I have on July 29, 2016, transmitted a true copy of the foregoing Notice and Motion to Authorize Confirmation of the Chapter 13 Plan. electronically through the Court's CM/ECF:, Chapter 13 trustee, United States trustee and Elizabeth Gunn, Counsel for Department of Social Services, Division of Child Support Enforcement and the Debtor by first class mail, postage pre-paid.

/s/ Pia J. North
Pia J. North